

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EMPLOYERS & CEMENT MASONS #90)	
HEALTH AND WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:22-cv-00241-MTS
)	
JMY PLASTERING SPECIALIST, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is Plaintiffs' Motion for Rule to Show Cause, Doc. [12], in which Plaintiffs ask this Court to order Defendant to show cause why it should not be held in contempt for its failure to comply with the Court's May 10, 2022, Memorandum and Order, Doc. [9]. In that Memorandum and Order, the Court ordered Defendant JMY Plastering Specialist, LLC to submit to Plaintiffs, within fourteen (14) days, all outstanding fringe benefit remittance reports for the period of April 2021 through April 2022. Though Plaintiffs provided a copy of the Court's Memorandum and Order to Defendant, see Docs. [10]–[11], Plaintiffs inform the Court that Defendant failed to submit the remittance reports.

Given the representation of Defendant's noncooperation, the Court will Order Defendant JMY Plastering Specialist, LLC to show cause why the Court should not hold Defendant in contempt. Failure to show cause will result in the Court holding Defendant in contempt, which could result in the Court's issuance of a writ of body attachment that directs the United States Marshals to bring before the Court an officer or agent of Defendant JMY Plastering Specialist, LLC who had notice of the Court's order. *See Chi. Truck Drivers v. Bhd. Lab. Leasing*, 207 F.3d 500, 507 (8th Cir. 2000); *see also Iron Workers St. Louis Dist. Council Pension Trust Fund v.*

Elite Rebar, LLC, 4:21-cv-00721-AGF, 2022 WL 2104024 (E.D. Mo. June 10, 2022) (granting writ of body attachment against defendant LLC's president, a nonparty).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Rule to Show Cause, Doc. [12], is **GRANTED in part**.

IT IS FURTHER ORDERED that Defendant JMY Plastering Specialist, LLC **shall show cause** in writing to the Court no later than **fourteen (14) days** after being served with this Memorandum and Order why it should not be held in contempt for its failure to comply with the Court's May 10, 2022, Memorandum and Order that Defendant submit outstanding fringe benefit Remittance Reports to Plaintiffs.

IT IS FURTHER ORDERED that Plaintiffs' request for attorneys' fees and costs be held in abeyance.

IT IS FINALLY ORDERED that Plaintiffs shall serve a copy of this Memorandum and Order, and include another copy of the May 10, 2022, Memorandum and Order that Defendant already has received, on Defendant via any method allowed under Federal Rule of Civil Procedure 5. Plaintiff shall file proof of same with the Court.

Dated this 28th day of June, 2022.

A handwritten signature in black ink, appearing to read 'MATTS', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE